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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068.909	02/07/2002	Jakobus Middeljans	PHNL 010072	9407
24737	7590	04/07/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			SHIN, KYUNG H	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 04/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,909

Applicant(s)

JAKOBUS MIDDELJANS,
EINDHOVEN

Examiner

Kyung H Shin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/6/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responding to application papers filed 2/7/2002 with foreign application priority dated 2/12/2001.
2. Claims 1 - 10 are pending. Independent claims are 1, 8.

Claim Rejection - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 3, 6, 7, 8 are rejected under 35 U.S.C. 102(e) as being anticipated over Liu et al. (US Patent No. 6,839,680).**

Regarding Claim 1, Liu discloses an arrangement (100) for distributing content (200), comprising an aggregator (101) arranged for bundling the content (200) according to a segment profile (209) and distributing the content (200) to a receiving device (120),

- a) the receiving device (120) comprising user profile maintenance means (210) for maintaining a user profile (211) (see Liu col. 6, lines 11-17; col. 24, lines 38-40;

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col. 41, lines 4-10: user profiles generated and maintained), and profile transmitting means (212) for transmitting the user profile (211) to a profiling center (220), (see Liu col. 14, lines 53-59: user profile transmitted to a hub (i.e. profiling center) system)

- b) the profiling center (220) being arranged for aggregating user profiles (211) received from plural receiving devices (120) into an aggregated profile (221) (see Liu col. 6, lines 19-23; col. 18, lines 50-53: transmit user profiles from multiple web sites (i.e. receiving devices) for aggregation), and for making the aggregated profile (221) available to the aggregator (101) for use as the segment profile (209). (see Liu col. 15, lines 42-48; col. 18, lines 20-25: user profile information divided into categories (i.e. segments) based on user preferences)

Regarding Claim 3, Liu discloses a profiling center (220) for use in the arrangement (100) of claim 1, being arranged for aggregating user profiles (211) received from plural receiving devices (120) into an aggregated profile (221), and for making the aggregated profile (221) available to an aggregator (101) for use as a segment profile (209). (see Liu col. 4, lines 27-35 col. 15, lines 42-48; col. 18, lines 20-25: user profile information hub (i.e. center), user profile information categorized (i.e. divided into segments) and user profiles available for processing)

Regarding Claim 6, Liu discloses a receiving device (120) for use in the arrangement (100) of claim 1, comprising user profile maintenance means (210) for maintaining a user profile (211), and profile transmitting means (212) for transmitting the user profile

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(211) to a profiling center (220). (see Liu col. 6, lines 11-17; col. 24, lines 38-40; col. 41, lines 4-10: user profiles transmitted to hub (i.e. profile center) system)

Regarding Claim 7, Liu discloses the receiving device (120) as claimed in claim 6, wherein the profile transmitting means (212) are arranged for transmitting only a portion of the user profile (211) which has been modified since a previous transmission of the user profile (211). (see Liu col. 4, lines 27-35: user profile update information transmitted and processed)

Regarding Claim 8, Liu discloses a method of profiling consumer behavior (see Liu col. 1, lines 6-9: consumer behavior used as the basis for user profile development), comprising receiving user profiles (211) from plural receiving devices (120) (see Liu col. 6, lines 19-23: user profile information from multiple website (i.e. receiving devices)), aggregating said received user profiles (211) into an aggregated profile (221) (see Liu col. 4, lines 27-35: generation of combined (i.e. aggregated) user profiles), and making the aggregated profile (221) available to an aggregator (101) for use as a segment profile (209). (see Liu col. 15, lines 42-48; col. 18, lines 20-25: user profile information divided into categories (i.e. segments) based on user preferences)

Claim Rejection - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Davis et al. (US Patent No. 6,611,607).

Regarding Claim 2, Liu discloses the usage of metadata in a content distribution system. (see Liu col. 51, lines 31-34: content metadata utilized) Liu does not disclose the usage of watermark technology. However, Davis discloses the arrangement (100) as claimed in claim 1, wherein metadata (201) related to the content (200) is embedded into the content (200) by means of a watermark. (see Davis col. 2, lines 32-38; col. 2, lines 45-51: metadata usage techniques within a content delivery system, integration of watermark, metadata, and content, for content protection)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu to utilize watermark technology for the protection of content data as taught by Davis. One of ordinary skill in the art would be motivated to employ Davis in order to control access to content data in a network environment. (see Davis col. 2, lines 4-7: “... *method for copy control of multimedia content where a watermark ... used to control processing of the multimedia content ...*”)

7. Claims 4, 5, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Van Wie et al. (US Patent No. 6,240,185).

Regarding Claims 4, 9, Liu discloses the profiling center (220) being further arranged to additionally aggregate a profile (231) into the aggregated profile (221). (see Liu col. 18, lines 50-53; col. 4, lines 27-35: hub (i.e. profile center) system for storage and combine (i.e. aggregate) user profile information) Liu does not disclose rights management for inclusion in a rights profile. However, Van Wie discloses as claimed in claims 3, 8, a rights profile (231) received from a rights clearinghouse (230). (see Van Wie col. 3, lines 41-46; col. 22, lines 27-36: content delivery system with integrated rights management, access with rights clearinghouse)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu to enable the capability to process rights management information for content as taught by Van Wie. One of ordinary skill in the art would be motivated to employ Van Wie in order to securely protect and manage content within a network environment. (see Van Wie col. 2, lines 57-60: “ ... *Solving this problem generally requires a way to securely associate rights management information with the content being protected ...* ”)

Regarding Claims 5, 10, Liu discloses the profiling center (220) being further arranged to process a profile into the aggregated profile (221). (see Liu col. 4, lines 27-35: profile center to combine (i.e. aggregate) user profile information) Liu does not disclose a financial profile from a financial clearinghouse. However, Van Wie discloses as claimed in claims 3, 8 being further arranged to aggregate a financial profile (241)

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received from a financial clearinghouse (240) into the aggregated profile (221). (see Van Wie col. 12, lines 4-5; col. 12, lines 17-21: access clearinghouse for financial information)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liu to enable the capability of accessing a financial clearinghouse to process rights management information as taught by Van Wie. One of ordinary skill in the art would be motivated to employ Van Wie in order to securely protect and manage content within a network environment. (see Van Wie col. 2, lines 57-60)

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

K H S
Kyung H Shin
Patent Examiner
Art Unit 2143

KHS

Mar 27, 2005

Will C. Vaughn Jr.
Primary Examiner
Art Unit 2143
William C. Vaughn Jr.